

VIRGINIA :

BEFORE THE FIFTH DISTRICT--SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF ARLENE LAVINIA PRIPETON, ESQ.
VSB Docket # 05-053-2613

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND

On May 23, 2006, a meeting in this matter was held before a duly convened Fifth District--Section III Subcommittee consisting of Dennis Robert Carluzzo, Esq., Mr. Berchard Lee Hatcher, lay member, and H. Jan Roltsch-Anoll, Esq., presiding, to review an Agreed Disposition reached by the parties. The Agreed Disposition was presented, in person, by Seth M. Guggenheim, Assistant Bar Counsel, appearing on behalf of the Virginia State Bar, and by Arlene Lavinia Pripeton, Respondent, appearing *pro se*.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶13(G), the Fifth District—Section III Subcommittee of the Virginia State Bar accepts the proposed Agreed Disposition and hereby serves upon the Respondent the following Public Reprimand, as set forth below.

I. FINDINGS OF FACT

1. At all times relevant to the facts set forth herein, Arlene Lavinia Pripeton, Esq. (hereafter “Respondent”), was an attorney licensed to practice law in the Commonwealth of Virginia.

2. In February of 2003, a client (hereafter “Complainant”) retained the Respondent

to determine the identity, through court action if necessary, of the person or persons who had made false allegations against him to Child Protective Services of Fairfax County, Virginia.

3. The Complainant paid the Respondent the sum of \$1,000.00 at the time she was retained. Although the full fee was not earned as of the time it was paid, the Respondent deposited it into an account other than an attorney trust account. When questioned by a Virginia State Bar investigator regarding this matter on April 13, 2005, the Respondent advised him that the sum charged the Complainant was a “flat fee” and that she does not deposit “flat fees” in her trust account.

4. As of the time the Complainant wrote to the Virginia State Bar regarding this matter, on January 2, 2005, nearly two years following her being retained, the Respondent had taken no action to petition the court for disclosure of the identity of the person(s) who had made false allegations against the Complainant to Child Protective Services. After retaining the Respondent, the Complainant contacted her and advised her that he had received a letter from the state attorney general’s office responsive to an inquiry he made regarding the Child Protective Services matter. Although the letter indicated that it had also been sent to the Respondent, she advised the Complainant that she had not received a copy, but stated at that time that she would attempt to secure a court date for his case.

5. As of January 2, 2005, when the Complainant wrote to the Virginia State Bar regarding this matter, the Respondent had failed to respond to repeated phone messages the Complainant left at her office and had failed to advise the Complainant either orally or in writing of any action that she had taken on his behalf.

6. On January 21, 2005, Bar Counsel mailed a copy of Complainant’s Complaint to

the Respondent, with a letter containing the following text:

I am conducting a preliminary investigation to determine whether the enclosed complaint should be dismissed or referred to a district committee for a more detailed investigation. Pursuant to Rule of Professional Conduct 8.1(c), you have a duty to comply with the bar's lawful demands for information not protected from disclosure by Rule 1.6. **As part of my preliminary investigation of the complaint, I demand that you submit a written answer to the complaint within 21 days of the date of this letter. Send me the original and one copy of your signed answer and any attached exhibits.**

The Respondent failed to submit a written answer to the Bar Complaint within the twenty-one (21) day period referred to in the letter, or at any time thereafter.

7. After the Bar Complaint was filed, the Complainant called the Respondent in an attempt to resolve matters with her by having her proceed with his case, or, if not, by having her refund the unearned portion of the fee he had paid.

8. Following an interview with a Virginia State Bar investigator on April 13, 2005, the Respondent spoke again to the investigator, stating that she had since refunded the sum of \$500.00 to the Complainant.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Rules of Professional Conduct have been violated:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 1.15 Safekeeping Property

- (a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:
 - (2) funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, and the portion belonging to the lawyer or law firm must be withdrawn promptly after it is due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.
- (c) A lawyer shall:
 - (3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to the client regarding them; and
 - (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive.

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application, in connection with any certification required to be filed as a condition of maintaining or renewing a license to practice law, in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

III. PUBLIC REPRIMAND

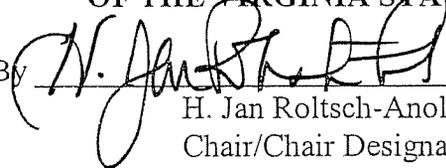
Accordingly, it is the decision of the Subcommittee to impose a PUBLIC REPRIMAND on Respondent, Arlene Lavinia Pripeton, Esq., and she is so reprimanded.

IV. COSTS

Pursuant to Part Six, § IV, ¶ 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

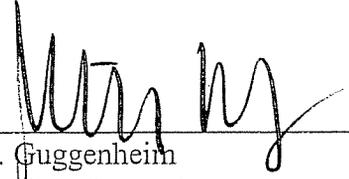
**FIFTH DISTRICT - SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By


H. Jan Roltsch-Anoll, Esq.
Chair/Chair Designate

CERTIFICATE OF SERVICE

I certify that I have this 31st day of May, 2006, mailed a true and correct copy of the Subcommittee Determination (PUBLIC REPRIMAND) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, Arlene Lavinia Pripeton, Esq., Arlene Lyles Pripeton, P.C., 10195 Main Street, Suite B, Fairfax, VA 22031-3414, her address of record with the Virginia State Bar.


Seth M. Guggenheim
Assistant Bar Counsel